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| 09/547,710      | 04/11/2000  | Sam Johnson          | 9727.99239(12GO01.CIP) | 4653             |

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EXAMINER

VAUGHN JR, WILLIAM C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2143

DATE MAILED: 06/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/547,710

Applicant(s)

JOHNSON ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 11, 20, 24, 25, 28, 31-34, 42, 44-58, 80, 89-94 and 96-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 20, 24, 25, 28, 31-34, 42, 44-58, 80, 89-94 and 96-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This Action is in regards to the Response to the Restriction Requirement received on 02 April 2004.

#### *Response to Arguments*

2. Applicant's arguments and amendments filed on 30 March 2001 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *including a plurality of content segments with at least one of the plurality of content segments including at least one sub-segment and the conversions of the plurality of content segments into at least one sub-segment*) to the claims which significantly affected the scope thereof.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-8, 10, 11, 20, 28, 31-33, 42, 46-58, 80, 89-94 and 96-98** are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al. (Logan), U.S. Patent No. 5,732,216.

5. Regarding **claim 1**, Logan discloses a closed loop system for delivering information obtained from an information content source to a playback device, comprising: a mobile-content server comprising: an information content source interface [see Logan, Col. 4, lines 40-54]; a

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playback device interface [see Logan, Col. 4, lines 40-67 and Col. 5, lines 1-62]; and a server application operating on the mobile-content server and enabling the mobile-content server to be operative to: receive user information [see Logan, Col. 5, lines 33-45]; obtain content programming information via the information content source interface, the content programming information being based at least in part on the user information [see Logan, Col. 7, lines 16-25]; and including a plurality of content segments (Logan teaches program segments (content segments) and within the program segment is a comment on field that contains the program id of the program segment commented on), [see Logan, Col. 18, lines 43-67, Col. 19, lines 1-43]; deliver the content programming information to the playback device via the playback device interface [see Logan, Col. 7, lines 20-30]; and receive response information from the playback device via the playback device interface [see Logan, Col. 6, lines 6, lines 9-26, Col. 17, lines 42-61]. . By this rationale **claim 1** is rejected.

6. Regarding **claim 2**, Logan discloses wherein the response information includes a time-stamp [see Logan, Col. 18, lines 17-21]. By this rationale **claim 2** is rejected.

7. Regarding **claim 3**, Logan discloses *wherein the response information is associated with a particular sub-segment of a content segment of the content programming information and the response information solicits various actions based on which sub-segment within the content segment with which is associated* (Logan teaches that the player identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation), [see Logan, Col. 6, lines 9-26 and Col. 17, lines 42-61]. By this rationale **claim 3** is rejected.

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8. Regarding **claim 4**, Logan discloses *wherein the mobile-content server further comprises an advertising database for storing advertisement segments* [see Logan, item 135]. By this rationale **claim 4** is rejected.

9. Regarding **claim 5**, Logan discloses wherein the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface [see Logan, Col. 5, lines 45-62], the selected advertisement segments being selected from the advertising database [see Logan, Col. 16, lines 6-67]. By this rationale **claim 5** is rejected.

10. Regarding **claim 6**, Logan discloses wherein the selected advertisements segments include at least one sub-segment and the response information from the playback device is associated with a sub-segment of the selected advertising segment and when the response is associated with at least one sub-segment of an advertisement segment, the response indicates an intent to make a purchase [see Logan, Col. 16, lines 6-67]. By this rationale **claim 6** is rejected.

11. Regarding **claim 7**, Logan discloses wherein the mobile-content server selects the advertisement segments from the advertising database based, at least in part, on the user information [see Logan, Col. 5, lines 33-45, Col. 16, lines 6-67 and Col. 17, lines 1-18]. By this rationale **claim 7** is rejected.

12. Regarding **claim 8**, Logan discloses wherein the response information from the playback device is associated with a particular portion of the content programming information (Logan teaches that the player identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation), [see Logan, Col. 6, lines 9-26 and Col. 17, lines 42-61]. By this rationale **claim 8** is rejected.

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13. Regarding **claim 10**, Logan discloses *wherein the user information comprises preference information comprising specific content request and content categories* [see Logan, Col. 4, lines 26-30, Col. 5, lines 32-45 and Col. 9, lines 28-41]. By this rationale **claim 10** is rejected.

14. Regarding **claim 11**, Logan discloses wherein the playback device comprises: a memory storage unit [see Logan, Col. 3, lines 22-40]; an information content source interface [see rejection of claim 1, supra]; a mobile-content server interface (Logan teaches that the host server stores and maintains a user data and usage log database which stores uploaded usage data received from the store in the player via the Internet pathway and the FTP server interface), [see Logan, Col. 5, lines 32-44], (Examiner is utilizing Applicant's specification as a guide for interpreting the claims, (see page 11, lines 7-19 of Applicant's specification); and a processing unit coupled to the memory storage unit [see Logan, Col. 6, lines 20-60], the information content source interface and the mobile-content server interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to: enable the information content source interface in accordance with the content programming information; receive information content from an information content source via the information content source interface; and store the information content into the memory storage unit [see Logan, Col. 3, lines 23-41]. By this rationale **claim 11** is rejected.

15. Regarding **claim 20**, Logan discloses wherein the playback device comprises: a memory storage unit; an information content source interface [see rejection of claims 1 and 11, supra]; a mobile-content server interface [see rejection of claims 1 and 11, supra]; an audio output [see Logan, Col. 3, lines 23-41]; a processing unit coupled to the memory storage unit, the mobile-content server interface, the audio output and the information content source interface, the

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processing unit, in response to instructions stored in the memory storage unit, being operative to: enable the information content source interface in accordance with the content programming information; receive information content transmitted content from an information content source via the information content source interface; and provide the information content to the audio output [see rejection of claims 1 and 11, *supra*]. By this rationale **claim 20** is rejected.

16. Regarding **claim 28**, Logan discloses wherein the information content source interface is a cellular receiver [see Logan, Col. 6, lines 26-65] and the content programming information comprises a telephone number and a time-stamp, and the playback device is operative to enable the information content source interface by initiating a call to the telephone number at the time identified by the timestamp [see Logan, Col. 7, lines 20-26]. By this rationale **claim 28** is rejected.

17. Regarding **claim 31**, Logan discloses wherein the information content source interface is a cellular receiver [see Logan, Col. 6, lines 26-65] and the content programming information comprises a time-stamp, and the playback device is operative to enable the information content source interface by accepting an incoming call at the time identified by the time-stamp [see Logan, Col. 7, lines 20-26]. By this rationale **claim 31** is rejected.

18. Regarding **claim 32**, Logan discloses *wherein the information content is received by the playback device in raw form* (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31]. By this rationale **claim 32** is rejected.

19. Regarding **claim 33**, Logan discloses *wherein the information content is received by the playback device in content segment form* [see Logan, Col. 7, lines 20-30]. By this rationale **claim 33** is rejected.

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20. Regarding **claim 42**, Logan discloses a playback device comprising: a memory storage unit; an information content source interface; a mobile-content server interface; a processing unit coupled to the memory storage unit, the information content source interface and the mobile-content server interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to: receive content programming information via the mobile content server interface; enable the information content source interface in accordance with the content programming information; receive information content from the information content source via the information content source interface; convert information content into one or more content segments, and convert at least one content segment into at least one sub-segment [see Logan, Col. 44, lines 35-49] store the information content into the memory storage unit; and provide response information to the mobile-content server interface [see rejection of claims 1, 11, and 20, supra]. By this rationale **claim 42** is rejected.

21. Regarding **claim 44**, Logan discloses wherein prior to storing the information content into the memory storage unit, the processing unit is operative to convert the information content into one or more content segments [see rejection of claim 42, supra]. By this rationale **claim 44** is rejected.

22.

23. Regarding **claim 46**, Logan discloses wherein the information content source interface is a cellular receiver [see Logan, Col. 6, lines 36-65]. By this rationale **claim 46** is rejected.

24. Regarding **claim 47**, Logan discloses *wherein the information content is received by the playback device in raw form* (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31]. By this rationale **claim 47** is rejected.



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25. Regarding **claim 48**, Logan discloses *wherein the information content is received by the playback device in content segment form* [see Logan, Col. 7, lines 20-30]. By this rationale **claim 48** is rejected.

26. Regarding **claim 49**, Logan discloses wherein the information content source interface is a cellular receiver and the content programming information comprises a telephone number and a time-stamp [see Logan, Col. 6, lines 26-65], and the playback device is operative to enable the information content source interface by initiating a call to the telephone number at the time identified by the time-stamp [see Logan, Col. 7, lines 20-26]. By this rationale **claim 49** is rejected.

27. Regarding **claim 50**, Logan discloses wherein the information content is received by the playback device in raw form (Logan teaches receiving data in text (raw) being able to convert from text to speech), [see Logan, Col. 5, lines 15-31]. By this rationale **claim 50** is rejected.

28. Regarding **claim 51**, Logan discloses *wherein the information content is received by the playback device in content segment form* [see Logan, Col. 7, lines 20-30]. By this rationale **claim 51** is rejected.

29. Regarding claims 52-57, the limitations of this claim are substantially the same as that of claims 1-12 and thus are rejected for the same rationale in rejecting claims 1-12 above.

30. Regarding **claim 58** the limitations of these claims are substantially the same as that of claim 1, and thus are rejected for the same rationale in rejecting claim 1, above.

31. Regarding **claim 80**, the limitations of this claim are substantially the same as that of claim 1 and thus are rejected for the same rationale in rejecting claim 1 above.

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32. Regarding **claim 89**, Logan discloses *a playback device comprising: a memory storage unit [see rejection of claims 1 and 20, supra]; an information content source interface [see rejection of claim 1, supra]; a user interface [see Logan, Col. 35, lines 47-55] and a processing unit coupled to the memory storage unit, the user interface and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to: in response to instructions received via the user interface, enable the information content source interface; receive at least one selection menu via the information content source interface; receive a content selection via the user interface, the content selection being associated with at least one item on the at least one selection menu; provide an indicator of the content selection to the information content source interface; receive information content via the information content source interface, the information content being associated with the content selection; and store the information content into the memory storage unit [see rejection of claims 1 and 20, supra]. By this rationale **claim 89** is rejected.*

33. Regarding **claim 90**, Logan discloses further comprising an audio interface [see rejection of claims 1, 20, 89, supra] and a response generator interface [see rejection of claim 89, supra] and the processing unit is further operative to: read the information content from the memory storage unit; provide the information content to the audio interface; detect a response signal on the response generator interface; and associate the response signal with the information content currently being provided to the audio interface [see Logan, Col. 15, lines 47-64]. By this rationale **claim 90** is rejected.

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34. Regarding **claim 91**, Logan discloses wherein the processing unit is further operative to provide the response signal to the information content source interface [see Logan, Col. 15, lines 47-64]. By this rationale **claim 91** is rejected.

35. Regarding **claim 92**, Logan discloses wherein the at least one selection menu is an audio menu and the processing unit provides the at least one selection menu to the audio interface [see Logan, Col. 15, lines 46-64]. By this rationale **claim 92** is rejected.

36. Regarding **claim 93**, Logan discloses wherein the user interface includes a display device, the at least one selection menu is a displayable menu and the processing unit provides the at least one selection menu to the display device [see Logan, Col. 15, lines 46-64]. By this rationale **claim 93** is rejected.

37. Regarding **claim 94**, Logan discloses *a playback device comprising: a memory storage unit; an information content source interface [see rejection of claim 1, supra]; an audio interface [see rejection of claims 1 and 20, supra] a user interface [see rejection of claim 1, supra]; and a processing unit coupled to the memory storage unit, the user interface, the audio interface and the information content source interface, the processing unit [see rejection of claims 1 and 20, supra], in response to instructions stored in the memory storage unit, being operative to: in response to instructions received via the user interface, enable the information content source interface; receive at least one selection menu via the information content source interface; receive a content selection via the user interface, the content selection being associated with at least one item on the at least one selection menu; provide an indicator of the content selection to the information content source interface; receive information content via the information content source interface, the information content being associated with the content selection; and*

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*provide the information content to the audio interface* [see rejection of claims 1 and 20, supra].

By this rationale **claim 94** is rejected.

38. Regarding **claim 96**, Logan discloses *wherein the processing unit is further operative to provide the response signal to the information content source interface* [see rejection of claims 1, 20 and 94, supra]. By this rationale **claim 96** is rejected.

39. Regarding **claim 97**, Logan discloses wherein the at least one selection menu is an audio menu and the processing unit provides the at least one selection menu to the audio interface [see Logan, Col. 15, lines 47-64]. By this rationale **claim 97** is rejected.

40. Regarding **claim 98**, Logan discloses wherein the user interface includes a display device, the at least one selection menu is a displayable menu and the processing unit provides the at least one selection menu to the display device [see Logan, Col. 15, lines 46-64]. By this rationale **claim 98** is rejected.

### ***Claim Rejections - 35 USC § 103***

41. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

42. **Claims 24, 25, 34 and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of what was well known in the art (well known).

43. Regarding **claim 24**, Logan discloses wherein the information content source interface is a tunable receiver and the content programming information comprises an information content

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source identifier and a timestamp and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp [see Logan, Col. 13, lines 48-62 and Col. 35, lines 40-55]. By this rationale **claim 24** is rejected.

44. Regarding **claim 25**, Logan discloses wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a timestamp and the playback device is operative to enable the information content source interface by tuning the tunable receiver to a channel associated with the information content source identifier at the time identified by the time-stamp [substantially the same as claim 24]. By this rationale **claim 25** is rejected.

45. Regarding **claim 34**, Logan discloses wherein the information content source interface is a tunable receiver [see rejection of claims 24-27, *supra*] and the content programming information comprises an information content source identifier, a time-stamp and a time duration, and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp, and the playback device is operative to receive information content transmitted from the information source for the time duration. By this rationale **claim 34** is rejected.

46. Regarding **claim 45**, Logan discloses *wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a time-stamp and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source*

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*identifier at the time identified by the time-stamp* [The examiner takes (Official Notice), see MPEP 2144.03]. By this rationale **claim 45** is rejected.

***Response to Arguments***

47. With regards to Applicant's argument that Logan does not disclose converting the information content into one or more content segments. It is the position of the Examiner that Logan teaches converting the information content into one or more content segments [see Logan, Col. 44, lines 21-35].

***Conclusion***

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

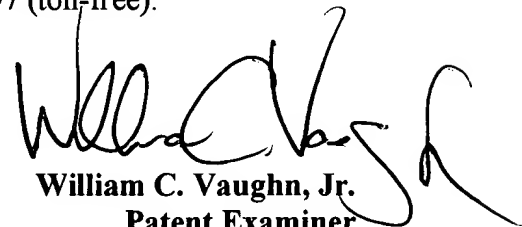
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**William C. Vaughn, Jr.**  
**Patent Examiner**  
**Art Unit 2143**  
**09 June 2004**